

HOUSE BILL No. 6487

November 7, 2002, Introduced by Rep. Gilbert and referred to the Committee on Transportation.

A bill to amend 1964 PA 286, entitled

"An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts,"

by amending sections 2, 6a, 7, and 9 (MCL 247.802, 247.806a, 247.807, and 247.809), section 9 as amended by 1984 PA 398; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. The office of state highway commissioner is abol-
2 ished and the powers and duties of that office are transferred to
3 and vested in the ~~commission~~ DEPARTMENT. Any law referring to
4 the state highway COMMISSION, THE STATE HIGHWAY commissioner, or
5 THE office of state highway commissioner shall be considered to
6 refer to the department.

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1 Sec. 6a. The director may do the following:

2 (a) Organize the department and its work, supervise the work
3 of the employees of the department, create, merge, and abolish
4 organizational divisions within the department, and transfer or
5 merge functions among those divisions in the interest of economy
6 and efficiency.

7 (b) Employ personnel necessary to carry out the duties of
8 the director and the responsibilities of the department subject
9 to laws governing state employment.

10 (c) Delegate to any employee of the department, subject to
11 the approval of the commission, any powers vested in the director
12 or delegated to the director by the commission.

13 (d) Establish a program of current and long-range planning
14 for the transportation systems under the department's
15 jurisdiction.

16 (e) Direct the preparation of budget requests, expenditures,
17 programs and periodical allotments.

18 (f) Purchase materials, supplies and equipment as necessary
19 and proper to carry out the duties of the department as provided
20 by law governing state purchasing.

21 (g) Dispose of obsolete equipment, surplus supplies and
22 material that cannot be used by the department as provided by law
23 governing the disposal.

24 (h) AWARD ALL CONTRACTS THAT ARE FOR THE CONSTRUCTION,
25 IMPROVEMENT, AND MAINTENANCE OF THE HIGHWAYS AND TRANSPORTATION
26 FACILITIES UNDER THE JURISDICTION OF THE DEPARTMENT AND AWARD ALL
27 CONTRACTS THAT ARE INCIDENTAL TO THE CONSTRUCTION, IMPROVEMENT,

1 AND MAINTENANCE OF THE HIGHWAYS AND TRANSPORTATION FACILITIES
2 UNDER THE JURISDICTION OF THE DEPARTMENT.

3 (I) ACQUIRE, OWN, AND HOLD REAL AND PERSONAL PROPERTY IN THE
4 NAME OF THE STATE OR THE DEPARTMENT AND SELL, LEASE, ENCUMBER, OR
5 OTHERWISE DISPOSE OF THAT PROPERTY.

6 (J) ~~-(h)-~~ Do anything necessary and proper to comply fully
7 with the provisions of present or future federal aid acts.

8 (K) ~~-(i)-~~ Do anything necessary and proper to carry out the
9 duties imposed upon the department by the constitution and other
10 duties as may be imposed by law.

11 Sec. 7. (1) The ~~commission's powers and duties shall~~
12 ~~include:~~

13 ~~-(a) The awarding of all contracts for the construction,~~
14 ~~improvement, and maintenance of the highways and transportation~~
15 ~~facilities under its jurisdiction, as provided by law.~~

16 ~~-(b) The establishment of transportation policies for the~~
17 ~~guidance and direction of the director.~~ COMMISSION SHALL ESTAB-
18 LISH POLICY BY RESOLUTION OR RULE FOR THE GUIDANCE AND DIRECTION
19 OF THE DIRECTOR.

20 (2) The commission may do the following:

21 (a) Delegate to any member of the commission, the director,
22 or any subordinate, any powers, other than the power to establish
23 policy, vested in the commission as it considers necessary and
24 proper; and permit the director to delegate any powers delegated
25 to him or her by the commission.

26 ~~-(b) Acquire, own, and hold real and personal property in~~
27 ~~the name of the state or the commission and sell, lease or~~

1 ~~otherwise dispose of, or encumber, the same in connection with,~~
2 ~~and in furtherance of, its duties and the purposes of this act.~~

3 (B) ~~-(c)-~~ Do anything necessary and proper to carry out the
4 duties imposed upon it by the constitution and such other duties
5 as may be imposed by law.

6 Sec. 9. (1) Except as provided in SECTION 7(1) AND subsec-
7 tion (2), the commission shall by an affirmative vote of 4 mem-
8 bers promulgate rules to implement its powers and duties under
9 this act, pursuant to the administrative procedures act of 1969,
10 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~
11 ~~tions 24.201 to 24.315 of the Michigan Compiled Laws 1969 PA~~
12 306, MCL 24.201 TO 24.328.

13 (2) The department, subject to the policies of the ~~state~~
14 ~~transportation~~ commission, shall promulgate rules to implement
15 its powers and duties under this act permitting and regulating
16 the operation, maintenance, and use of rest areas, travel infor-
17 mation centers, roadside parks, and other state owned motorist
18 service areas along state trunk line highways pursuant to ~~Act~~
19 ~~No. 306 of the Public Acts of 1969, as amended~~ THE ADMINISTRA-
20 TIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.
21 The rules promulgated under this subsection may apply to all
22 state owned motorist service areas or only to specific state
23 owned motorist service areas.

24 (3) The department shall not promulgate a rule under subsec-
25 tion (2) ~~which rule~~ THAT applies only to a specific state owned
26 motorist service area until the department gives notification to
27 the county board of commissioners of the county or counties in

1 which the specific state owned motorist service area to be
2 covered by the rule is located and allows 30 days for that county
3 or counties to respond.

4 (4) A person who violates any of the rules promulgated under
5 this act shall be guilty of a misdemeanor IF THE RULE PROHIBITS
6 SPECIFIED CONDUCT AND ADVISES THAT VIOLATION OF THE PROHIBITION
7 IS A MISDEMEANOR.

8 Enacting section 1. Sections 5a, 6, and 10 of 1964 PA 286,
9 MCL 247.805a, 247.806, and 247.810, are repealed.